

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
NORMAN J. SNAY, CLERK
MARIE E. MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

ABSENT: NONE
(Attendance record on file with Clerk.)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA ITEMS.

Additions:

- 13a. Final Plat; Beaufait Farms Subdivision No.3
- 20a. Request to amend Subdivision Model Permit; Summerfield Estates Subdivision No. 4.
- 20b. Request for Deputy Clerk to attend the Munis Conference.
- 28a. Request for First Aid and CPR Course.

Supervisor's Comments:

- 30a. Request to renew Annual Chloride Program.
- 30b. Resolution in Recognition of Utica Community Schools.

Clerk's Comments:

- 31a. Resolution Honoring Eagle Scout.

Executive Session:

- 34. MAFF Grievance No. 01-001; Withdrawn as requested by the petitioner.

MOTION by DUNN seconded by MEERSCHAERT to approve agenda as amended.

MOTION carried.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

4. APPROVAL OF BILLS.

MOTION by OLIVER seconded by MEERSCHAERT to authorize payment of bills as submitted.

MOTION carried.

5. APPROVAL OF MEETING MINUTES

MOTION by DUNN seconded by MALBURG to approve minutes of March 28, 2001 as presented.

MOTION carried.

6. Public Comments (Non Agenda items only – 3 minute time limit)

None

7. Adoption of Disclosure Resolution regarding 2001 Building Authority Recreation & Refunding Bonds.

Supervisor BRENNEN reviewed the request and explained the Resolution in detail.

MOTION by MEERSCHAERT seconded by OLIVER to adopt the Disclosure Resolution for the 2001 Building Authority Recreation & Refunding Bonds.

DISCLOSURE RESOLUTION

TOWNSHIP OF MACOMB
County of Macomb, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall on Wednesday, the 11th day of April, 2001, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Member: John D. Brennan, Norman J. Snay, Marie Malburg, Dino F. Bucci Jr., Janet Dunn, Charles Oliver, Kenneth Meerschaert Jr.

ABSENT: Member: None

The following preamble and resolution were offered by Member Meerschaert and supported by Member Oliver:

WHEREAS, the Macomb Township Building Authority (the "Authority") is issuing its not to exceed \$14,000,000 2001 Building Authority Recreation and Refunding Bonds (the "Bonds") for the purpose of (i) paying part of the cost of acquiring and constructing certain recreational improvements in the Township, (ii) advance refunding a portion of a prior bond issue of the Authority and (iii) paying the costs of issuing the Bonds; and

WHEREAS, in accordance with Rule 15c2-12 of the U.S. Securities and Exchange Commission, it is necessary for the Township to undertake to make continuing disclosure regarding the Township, the Authority and the Bonds.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Township Supervisor is hereby authorized to execute and deliver such undertaking prior to delivery of the Bonds in the form attached to this Resolution (the "Undertaking"), with any necessary changes as may be approved by Bond Counsel.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members John D. Brennan, Norman J. Snay, Marie Malburg, Janet Dunn, Dino F. Bucci

Jr., Charles Oliver, Kenneth Meerschaert Jr.

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Norman J. Snay
Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, Michigan, at a regular meeting held on April 11, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Norman J. Snay
Township Clerk

TOWNSHIP OF MACOMB

CONTINUING DISCLOSURE UNDERTAKING

2001 Building Authority Recreation and Refunding Bonds

This Continuing Disclosure Undertaking (the "Undertaking") is executed and delivered by the Township of Macomb, County of Macomb, State of Michigan (the "Township"), in connection with the issuance of the Macomb Township Building Authority's 2001 Building Authority Recreation and Refunding Bonds issued on behalf of the Township (the "Bonds"). The Township covenants and agrees on behalf of itself and the Building Authority for the benefit of the Bondholders, as hereinafter defined, as follows:

(a) *Definitions.* The following terms used herein shall have the following meanings:

"Audited Financial Statements" means the annual audited financial statement pertaining to the Township prepared by an individual or firm of independent certified public accountants as

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

required by Act 2, Public Acts of Michigan, 1968, as amended, which presently requires preparation in accordance with generally accepted accounting principles.

“Bondholders” shall mean the registered owner of any Bond or any person (a) with the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bond (including any person holding a Bond through a nominee, depository or other intermediary) or (b) treated as the owner of any Bond for federal income tax purposes.

“Disclosure Representative” means the Supervisor of the Township or his or her designee, or such other officer, employee, or agent as the Township shall designate from time to time in writing.

“MSRB” means the Municipal Securities Rulemaking Board.

“NRMSIR” means each nationally recognized municipal securities information repository as designated by the SEC in accordance with the Rule.

“Rule” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

“SEC” means the United States Securities and Exchange Commission.

“SID” means the state information depository for the State of Michigan as designated by the SEC in accordance with the Rule.

(b) *Continuing Disclosure.* The Township hereby agrees, in accordance with the provisions of the Rule, to provide or cause to be provided to each NRMSIR and to the SID for the State of Michigan (“SID”), on or before the last day of the 6th month after the end of the fiscal year of the Township, the following annual financial information and operating data, commencing with the fiscal year ended June 30, 2001:

(1) Updates of the numerical financial information and operating data included in the official statement of the Township relating to the Bonds (the “Official Statement”) appearing in the Tables in the Official Statement as described below:

- a. Revenues from the State of Michigan - Current Year;
- b. History of Property Valuations - Current Year Taxable Value/SEV;
- c. Taxable Value - By Class and By Use - Current Year;
- d. Major Taxpayers - Current Year;
- e. Tax Rates - Current Year;
- f. Tax Levies and Collections - Update as of Current Year;
- g. Labor Agreements - Update as of Current Year;
- h. General Fund - Fund Balance - Update as of Current Year;
- i. Debt Statement - Update as of Current Year.
- j. Legal Debt Margin - Update as of Current Year; and

(2) Audited Financial Statements; provided, however, that if the Audited Financial Statements are not available by the date specified above, they shall be provided when available and unaudited financial statements in a format similar to the financial statements contained in the Official Statement will be filed by such date and the Audited Financial Statements will be filed as soon as available.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Such annual financial information and operating data described above are expected to be provided directly by the Township in the following documents to be filed with each NRMSIR and the SID, if any; the Audited Financial Statements; materials containing the updates described in (b)(1) above; and in subsequent official statements of the Township filed with the MSRB.

If the fiscal year of the Township is changed, the Township shall send notices of such change to each NRMSIR or the MSRB, and to the SID, prior to the earlier of the ending date of the fiscal year prior to such change or the ending date of the fiscal year as changed.

(c) *Notice of Failure to Disclose.* The Township agrees to provide or cause to be provided, in a timely manner, to (i) each NRMSIR or the MSRB and (ii) the SID, notice of a failure by the Township to provide the annual financial information with respect to the Township described in subsection (b) above on or prior to the dates set forth in subsection (b) above.

(d) *Occurrence of Events.* The Township agrees to provide or cause to be provided in a timely manner to (i) each NRMSIR or the MSRB and (ii) the SID, if any, notice of the occurrence of any of the following events listed in (b)(5)(i)(C) of the Rule with respect to the Bonds, if applicable, if material:

- (1) principal and interest payment delinquencies
- (2) non-payment related defaults
- (3) unscheduled draws on debt service reserves reflecting financial difficulties
- (4) unscheduled draws on credit enhancements reflecting financial difficulties
- (5) substitution of credit or liquidity providers, or their failure to perform
- (6) adverse tax opinions or events affecting the tax-exempt status of the security
- (7) modifications to rights of security holders
- (8) bond calls
- (9) defeasances
- (10) release, substitution, or sale of property securing repayment of the securities
- (11) rating changes

(e) *Materiality Determined Under Federal Securities Laws.* The Township agrees that its determination of whether any event listed in subsection (d) is material shall be made in accordance with federal securities laws.

(f) *Termination of Reporting Obligation.* The obligation of the Township to provide annual financial information and notices of material events, as set forth above, shall be terminated if and when the Township no longer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, including upon legal defeasance of all Bonds.

(g) *Benefit of Bondholders.* The Township agrees that its undertaking pursuant to the Rule set forth in this Undertaking is intended to be for the benefit of the Bondholders and shall be enforceable by any Bondholder; provided that, the right to enforce the provisions of this Undertaking shall be limited to a

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

right to obtain specific enforcement of the Township's obligations hereunder and any failure by the Township to comply with the provisions of this Undertaking shall not constitute a default or an event of default with respect to the Bonds.

(h) *Amendments to the Undertaking.* Amendments may be made in the specific types of information provided or the format of the presentation of such information to the extent deemed necessary or appropriate in the judgment of the Township, provided that the Township agrees that any such amendment will be adopted procedurally and substantively in a manner consistent with the Rule, including any interpretations thereof by the SEC, which, to the extent applicable, are incorporated herein by reference. Such interpretations currently include the requirements that (a) the amendment may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Township or the type of activities conducted thereby, (b) the undertaking, as amended, would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, and (c) the amendment does not materially impair the interests of Bondholders, as determined by parties unaffiliated with the Township (such as independent legal counsel), but such interpretations may be changed in the future. If the accounting principles to be followed by the Township in the preparing of the Audited Financial Statements are modified, the annual financial information for the year in which the change is made shall present a comparison between the financial statements as prepared on the prior basis and the statements as prepared on the new basis, and otherwise shall comply with the requirements of the Rule, in order to provide information to investors to enable them to evaluate the ability of the Township to meet its obligations. A notice of the change in accounting principles shall be sent (i) to each NRMSIR or the MSRB and (ii) the SID. IN WITNESS WHEREOF, the Township has caused this Undertaking to be executed by its authorized officer.

TOWNSHIP OF MACOMB
County of Macomb
State of Michigan

By: _____
John D. Brennan
Its: Supervisor

Dated: _____, 2001

PUBLIC HEARING:

8. Request for Special Assessment District Street Lighting; Altermatt Farms Subdivision No.2.

Public Hearing commenced at 7:06 p.m.

Supervisor BRENNAN reviewed the resolution and cost estimates provided by Detroit Edison which stated the financial obligations of the homeowners in detail. Mr. Brennan explained the three options available to the residents of phase 2 and welcomed questions and comments from the residents present.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Public discussion was held by homeowners in attendance regarding the options available, costs and stated their preferences.

Board discussion was held regarding the three options available and the financial involvement of the township.

Supervisor BRENNAN reviewed each option in detail, asked for audience for any additional questions or comments. Mr. Brennan asked the residents of phase 2 for a show of hands for each option open to them. He further reviewed the options and again offered a show of hands.

MOTION by DUNN seconded by OLIVER to close the Public Hearing.

MOTION carried.

Public Hearing closed at 7:37 p.m.

MOTION by SNAY seconded by OLIVER to adopt the Resolution to create the Special Assessment District; Street Lighting for Altermatt Farms Subdivision No. 2.

SAD, Street Lighting Altermatt Farms Subdivision No. 2

**RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on April 11, 2001, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Norman J. Snay, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member SNAY and supported by Member OLIVER.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Altermatt Farms Subdivision No. 2, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$59,072.00, together with the first annual electrical service charge in the amount of \$8,154.00, the Township's at-large contribution is \$-0-.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: SNAY, OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG, BRENNAN.
NAYS: NONE

RESOLUTION DECLARED ADOPTED.

Norman J. Snay
Macomb Township Clerk

MOTION carried.

PLANNING COMMISSION:

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

9. Final Preliminary Plat; Koss Farms Subdivision No.1; (75 lots); Located on the south side of 23 Mile Road and approximately 4300 feet east of Romeo Plank Road; Section 21. Classic Development, Petitioner. Permanent Parcel No. 08-21-200-011 and 08-21-200-013 part of.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve for a period of two (2) years contingent upon the fulfilling of the standard conditions.

Petitioner Present: Craig Duckwitz of AEW

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant Final Preliminary Plat to Koss Farms Subdivision No. 1 for a period of two (2) years to expire April 11, 2003.

MOTION carried.

10. Tentative Preliminary Plat; Milano Industrial Subdivision No.3; (8 lots); Located ½ mile east of Hayes Road and approximately 1953 feet north of 23 Mile Road; Section 18. Centro Milano Industrial, Petitioner. Permanent Parcel No. 08-18-400-014. (Tabled from meeting of January 16, 2001).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for a period of one (1) year contingent upon the fulfilling of the standard conditions.

Petitioner Present: Gerald Carnago

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the Tentative Preliminary Plat for Milano Industrial Subdivision No. 3 for the period of one (1) year (expiring April 11, 2002) contingent upon posting the required bond and the fulfilling of the conditions recommended by the Planning Commission.

MOTION carried.

11. Request for Variance; Land Division Ordinance No.17; Tesner Park Subdivision; Located on the southeast corner of Card Road and Brantingham Road. Section 35. Vincent Milatello and Michael Aluia, Petitioners. Permanent Parcel No. 08-35-300-032 and 08-35-300-033.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Mr. Bernard Lynden, Planning Consultant review the variance and stated the recommendation of the Planning Commission.

Petitioner Present: Roger Stecker of Lehner & Associates

Public Portion: None

Board discussion was held.

MOTION by DUNN seconded by MEERSCHAERT to grant the Variance; Land Division Ordinance No. 17; for Tesner Park Subdivision.

MOTION carried.

12. Tentative Preliminary Plat; Tesner Park Subdivision; Located on the southeast corner of Card Road and Brantingham Road. Section 35. Vincent Milatello and Michael Aluia, Petitioners. Permanent Parcel No. 08-35-300-032 and 08-35-300-033.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for a period of one (1) year contingent upon the fulfilling of the standard conditions.

Petitioner Present: Roger Stecker of Lehner & Associates

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the Tentative Preliminary Plat for Tesner Park Subdivision for the period of one (1) year (expiring April 11, 2002) contingent upon the posting of the required bond and the fulfilling of the conditions recommended by the Planning Commission.

MOTION carried.

13. Final Plat; Carleton Place Subdivision; (95 lots); Located west of Card Road and approximately 1330 feet north of 21 Mile Road; Section 27. Carleton Place, LLC, Petitioner. Permanent Parcel No. 08-27-400-006, 08-27-400-008 and 08-27-400-010.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision, surrounding property and stated the recommendation of the Planning Commission.

Petitioner Present: Rich Hodsdon of MCS

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Public Portion: None

MOTION by OLIVER seconded by DUNN to grant Final Plat to Carleton Place Subdivision and direct the Clerk to sign the mylar.

MOTION carried.

13a. Final Plat; Beaufait Farms Subdivision No.3

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision, surrounding property and stated the recommendation of the Planning Commission.

Petitioner Present: Craig Duckwitz of AEW

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant Final Plat to Beaufait Farms Subdivision No. 3 and direct the Clerk to sign the mylar.

MOTION carried.

14. Extension of Time; Preliminary Plan; Hartford P.U.D.; Located on the southeast corner of 24 Mile Road and Card Road; Section 14. Hartford Macomb, LLC, Petitioner. Permanent Parcel No. 08-14-100-002.

MOTION by DUNN seconded by OLIVER to table the matter indefinitely as requested by the petitioner.

MOTION carried.

NEW BUSINESS:

15. Allocation of Community Development Block Grant Fund.

Supervisor BRENNAN reviewed the request and welcomed any proposals from the Board.

Trustee MEESCHAERT presented his proposal to the Board.

Supervisor BRENNAN asked the Board for any additional proposals or comments.

Board comments: None

MOTION by MEERSCHAERT seconded by DUNN to grant the allocation of Fiscal Year 2001 Block Grant Funds to the following Public Service Organizations: Macomb

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Township Senior Activities the amount of \$4,500.00, St. Vincent DePaul the amount of \$6,000.00, MCREST – Macomb Co. Rotating Emergency Shelter Team the amount of \$1,800.00 and to Turning Pointe, Inc. the amount of \$1,800.00.

**FOR THIS MOTION: MEERSCHAERT, DUNN, BUCCI, OLIVER, SNAY,
MALBURG, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

Supervisor BRENNAN asked the Board for any additional proposals or comments.

Trustee MEERSCHAERT presented his proposal to the Board.

Board comments: None

MOTION by MEERSCHAERT seconded by DUNN to grant the allocation of Fiscal Year 2001 Block Grant Funds to the following Planning Studies/Construction Projects as follows: Recreation Master Plan the amount of \$15,980.00, New Haven Dept (Historic Rehabilitation) the amount of \$3,920.00, Sewer Project – Broughton Road 25 Mile To 25 ½ Mile Road the amount of \$30,000.00 and Abington Circle Road Project the amount of \$30,000.00.

**FOR THIS MOTION : MEERSCHAERT, DUNN, OLIVER, BUCCI, MALBURG,
SNAY, BRENNAN.**

OPPOSED: NONE

ASENT: NONE

MOTION carried.

16. FMLA (Family Medical Leave Act) Entitlement Period.

Supervisor BRENNAN reviewed the request and stated the recommendation of Township Attorney.

Public Portion: None

MOTION by DUNN seconded by OLIVER to follow the recommendation of the Township Attorney and grant the rolling 12 Mouth Entitlement Period.

MOTION carried.

17. Request to enter into Street Lighting Agreement; Westcreek Estates Condominiums.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Supervisor BRENNAN reviewed the request and stated the financial contribution of Westcreek Estates as submitted by Detroit Edison.

Public Portion: None

MOTION by OLIVER seconded by MEERSCHAERT to enter into the Street Lighting Agreement with Westcreek Estates Condominiums and authorize the Supervisor and Clerk to sign the agreement.

**TOWNSHIP OF MACOMB
AND
WESTCREEK ESTATES CONDOMINIUMS
AGREEMENT FOR STREET LIGHTING**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall is said Township on April 11, 2001 at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Norman J. Snay, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None

The following preamble and resolution were offered by Member OLIVER and supported by Member MEERSCHART.

WHEREAS, the Westcreek Estates Condominiums, desire to provide street lighting for the benefit of its co-owners; and

WHEREAS, the Westcreek Estates Condominiums are administered by an association of co-owners; and

WHEREAS, the Detroit Edison Company will not contract with the Westcreek Estates Condominiums Association to provide street lighting; and

WHEREAS, the Detroit Edison Company's policy to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and

WHEREAS, the Westcreek Estates Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide street lighting at the Westcreek Estates Condominiums; and

WHEREAS, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Westcreek Estates Condominiums upon certain terms and conditions set forth herein; and

WHEREAS, in order to provide street lighting and reimburse Macomb Township for the costs the Township incur as a result of contracting with the Detroit Edison Company to provide street lighting on behalf of the Westcreek Estates Condominiums, the Westcreek Estates Condominium Association agrees to enter into this agreement; and

WHEREAS, the Westcreek Estates Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs, including labor, materials, overhead, and annual lamp charges that benefit the Westcreek Estates Condominiums; and

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

WHEREAS, the Westcreek Estates Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Westcreek Estates Condominiums; and

WHEREAS, the Westcreek Estates Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain street lighting facilities as set forth in the Detroit Edison Company proposal No. 324848-21/23 dated December 2, 2000, which is made a part of this agreement;

NOW THEREFORE,

1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Westcreek Estates Condominiums, the purpose of which will be to furnish, install, operate and maintain street lighting equipment and facilities in accordance with proposal No. 324848-21/23 dated December 2, 2000, attachment A.
2. All costs associated with providing street lighting to the Westcreek Estates Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Westcreek Estates Condominiums, upon demand by Macomb Township.
3. The Westcreek Estates Condominiums understands that the costs to operate and maintain street lighting facilities set forth in proposal No. 324848-21/23 may increase from year to year.
4. The Westcreek Estates Condominium Association on behalf of the Westcreek Estates Condominiums agrees to reimburse Macomb Township any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide street lighting to the Westcreek Estates Condominiums.
5. The Westcreek Estates Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Westcreek Estates Condominiums.
6. In the event that the Westcreek Estates Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Westcreek Estates Condominiums to Detroit Edison, then Macomb Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Westcreek Estates Condominiums.
7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Westcreek Estates Condominiums and which amounts have not been reimbursed to Macomb Township, together with all costs incurred by Macomb Township to recover such sums including actual attorney fees.
8. The Westcreek Estates Condominiums Association on behalf of itself and each of the co-owners of the Westcreek Estates Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

FOR THIS MOTION: **OLIVER, MEETSCHAERT, BUCCI, DUNN, SNAY,
MALBURG, BRENNAN.**

OPPOSED: **NONE**

ABSENT: **NONE**

MOTION carried.

18. Request the Release of Subdivision Model Permit Bonds; Towngate Subdivision.

Supervisor BRENNAN stated the necessary departments had reviewed the request and were recommending approval.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to authorize the release of the Subdivision Model Permit Bonds for lots 81; 46227 and 82; 46261 Swirling Leaves Lane located within the Towngate Subdivision; SRV Building Corporation in the amount of seven thousand five hundred dollars and 00/100 (\$7,500.00) per model.

MOTION carried.

19. Request for a Temporary Certificate of Occupancy; Omni Office Center.

Supervisor BRENNAN reviewed the request and stated his recommendation.

Petitioner Present: Larry Garrisi

Board discussion was held regarding required site improvements, specific units being requested and the contingent approval of the Fire and Building Department.

Bob Beckett, Building Official stated his recommendation to deny the request.

MOTION by SNAY seconded by DUNN to approve the Temporary Certificate of Occupancy; Omni Office Center for the middle unit only; Address 17405 Hall Road with no occupancy in the basement to expire June 15th, 2001, contingent upon the approval of the Fire and Building Department, the posting of the required site improvements bond to be approved by the Township Engineers of Spalding DeDecker & Assoc. and the completion of the site improvements prior to its expiration.

MOTION carried.

20. Request for a Temporary Certificate of Occupancy, Lot 18; 51815, 51805 and 51795 Milano Drive.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Supervisor BRENNAN reviewed the request.

Bob Beckett, Building Official stated his recommendation.

MOTION by SNAY seconded by MALBURG to approve the Temporary Certificate of Occupancy; Lot 18; for units 51805 and 51795 only to expire June 15, 2001, contingent upon the posting of the required site improvements bond to be approved by the Township Engineers of Spalding DeDecker & Associates.

MOTION carried.

20a. Request for Subdivision Model Permit; Summerfield Estates Subdivision No. 4.

Supervisor BRENNAN stated the departments had reviewed the request and has submitted their recommendations.

MOTION by MEERSCHAERT seconded by MALBURG to grant the Model Permit for Lot #247 in lieu of Lot #246 within the Summerfield Estates Subdivision No.4 contingent upon the posting of a seven thousand five hundred dollar and 00/100 (\$7,500.00) bond per model and the following of the Standard Model Agreement.

MOTION carried.

20b. Request for Deputy Clerk to attend the Munis Conference.

Supervisor BRENNAN reviewed the request and stated his recommendation.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to grant the request for Michael Koehs, Deputy Clerk to attend the Munis Conference in Falmouth, Maine on April 19th through April 22nd, 2001 for the total cost of six hundred sixty one dollars and 00/100 (\$661.00).

MOTION carried.

PARKS AND RECREATION:

21. Request to Waive Water & Sewer Permit Fees for Waldenburg Park.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request.

Public Portion: None

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

MOTION by OLIVER seconded by MEERSCHAERT to authorize the waiving of the Water & Sewer Permit Fees for Waldenburg Park in the amount of twenty five thousand seventy five dollars and 00/100 (\$25,075.00).

MOTION carried.

22. Request to Establish Summer Camp Staff Wages.

Martin Piepenbrok, Parks and Recreation Director reviewed the request and stated his recommendation of wages.

Board discussion was held.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to approve the Summer Camp Staff Wages for the 2001 season as follows:

Camp Director	\$10.25 per hour	(new hires - \$10.00)
Assistant Director	8.75	(new hires - \$8.50)
Camp Counselor	7.75	(new hires - \$7.50)
Counselor in Training	5.15	(minimum wage)

MOTION carried.

23. Request to Purchase Picnic Tables for Waldenburg Park.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request and stated his recommendation.

Board discussion was held regarding the integrity of the purposed tables.

Public Portion: None

MOTION by MEERSCHARET seconded by MALBURG to authorize the purchase of eight (6) 10-foot picnic tables from Wabash Valley at the cost of four thousand two hundred thirty four dollars and 98/100 (\$4,234.98).

MOTION carried.

WATER/SEWER DEPARTMENT:

24. Easement Encroachment Agreement, Mark K. & Tina Marie Moore, at 20441 Sheltland Drive, Macomb MI 48044, Lot 32, Deerwood Manor Subdivision.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

David Koss, Water/Sewer Superintendent, states this was a standard agreement for a deck and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of the agreement.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant an easement encroachment agreement for a deck for Lot #32; 20441 Sheltland Drive in the Deerwood Manor Subdivision.

MOTION carried.

25. Easement Encroachment Agreement, Anthony P. & Mary Lou Gura-Spauto, at 47698 Woodberry Estates Drive, Macomb MI 48044, Unit 27, Woodberry Estates Condominium.

David Koss, Water/Sewer Superintendent, states this was a standard agreement for a deck and was recommending approval. Mr. Koss also stated that the petitioner understands and accepts the conditions of the agreement.

Public Portion: None

MOTION by OLIVER seconded by MEERSCHAERT to grant an easement encroachment agreement for a deck for Unit 27; 47698 Woodberry Estates Drive in the Woodberry Estates Condominium Community.

MOTION carried.

26. Request for Re-approval of Temporary Cement Batch Plant Location; Tony Angelo Cement Company.

David Koss, Water/Sewer Superintendent, reviewed the request and stated his recommendation.

Public Portion: None

MOTION by OLIVER seconded by DUNN to grant the Temporary Concrete Batch Plant ; Tony Angelo Cement Company; located in the Beaufait Farms Subdivision for a period of 60 days to expire June 10th, 2001, contingent upon the posting of the required cash bond and posting of the meter deposit.

MOTION carried.

27. Request for Temporary Cement Batch Plant Location; John Carlo Incorporated.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

David Koss, Water/Sewer Superintendent, reviewed the request and stated his recommendation.

Petitioner Present: Dimitrois Angelakis of John Carlo Inc.

Board discussion was held regarding site being requested.

Public Portion: None

MOTION by OLIVER seconded by SNAY to accept the recommendation of the Water/Sewer Superintendent and approve the Temporary Cement Batch Plant ; John Carlo Incorporated, to be located in the Cornerstone Subdivision Phase 6 for a period of 45 days to expire May, 26th, 2001 contingent upon the posting of the required cash bond and meter deposit.

OPPOSED: DUNN

MOTION carried.

28. Request approval to print and mail Annual Water Quality Report.

David Koss, Water/Sewer Superintendent, reviewed the request and stated that the report is required by the Federal Government.

Public Portion: None

MOTION by SNAY seconded by MEERSCHAERT to award the bid for the printing of the Annual Water Quality Report (Water Connection) to Macomb Printing Company Inc. for the total cost of four thousand eight hundred forty eight dollars and 00/100 (\$4,848.00).

MOTION carried.

MOTION by SNAY seconded by MEERSCHAERT to approve the mailing of the Water Quality Report (Water Connection) for the total cost of two thousand three hundred sixty dollars and 00/100 (\$2,360.00).

MOTION carried.

28a. Request approval for First Aid and CPR Courses.

David Koss, Water/Sewer Superintendent, reviewed the request.

Supervisor BRENNAN stated the courses are required by state law.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Public Portion: None

MOTION by DUNN seconded by SNAY to authorize Water/Sewer employees to attend the First Aid and CPR Courses for the total cost of one thousand six hundred fifty dollars and 00/100 (\$1,650.00).

MOTION carried.

29. Approval of Purchase Requisition:
 a. SLC Meter

David Koss, Water/Sewer Superintendent, reviewed the purchase requisition and stated his recommendation to approve.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to authorize the payment of the purchase requisition to SLC Meter Service for the total amount of fifty nine thousand five hundred forty eight dollars and 50/100 (\$59,548.50).

MOTION carried.

BOARD COMMENTS:

30. Supervisor's Comments
 a. Request renewal of Annual Chloride Program.

Supervisor BRENNAN reviewed the request and stated his recommendation.

Board discussion was held regarding the accuracy regarding the estimate and the local gravel mileage.

Public Portion: None

MOTION by OLIVER seconded by DUNN to enter into the contract with the Road Commission of Macomb County for a total of four Calcium Chloride Applications with the Township responsible for paying for three applications with the fourth to be covered by the Road Commission for the total cost of fifteen thousand three hundred thirty six dollars and 00/100 (\$15,336.00) per application.

MOTION carried.

- b. Resolution in Recognition of Utica Community Schools Career Focus 2008.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by MEERSCHAERT to adopt the Resolution in Recognition of the Utica Community Schools Career Focus 2008.

***Resolution In Recognition Of
Utica Community Schools Career Focus 2008
May 2 – May 8, 2001***

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, Michigan held on ***Wednesday April 11, 2001***, in the Township Hall in said Township the following preamble and resolution was offered by member DUNN and supported by member MEERSCHAERT.

Whereas, the Utica Community Schools Foundation for Educational Excellence is a non-profit organization formed to enhance and enrich the educational opportunities offered to students of all ages: and,

Whereas, the UCS Foundation realizes that today's youth are tomorrow's employees and leaders: and,

Whereas, the UCS Foundation recognizes that sixth graders need an opportunity to learn about local business and the variety of careers available to them upon graduation from high school as the class of 2007: and,

Whereas, the UCS Foundation has established the eighth annual CAREER FOCUS 2008 to meet these goals.

Now Therefore the Macomb Township Board of Trustees recognizes the concerns and efforts of the Utica Community Schools Foundation for Educational Excellence in partnership with the Sterling Heights Area Chamber of Commerce and the Advisor and Source Newspapers.

Therefore be It Resolved that the Macomb Township Board of Trustees hereby proclaims May 2 – May 8, 2001 as "Career Focus: 2008" in Macomb Township.

For This Resolution:

Supervisor John D. Brennan, Clerk Norman J. Snay, Treasurer Marie E. Malburg, Trustees: Charles S. Oliver, Janet Dunn, Kenneth G. Meerschaert Jr., Dino F. Bucci Jr.

MOTION carried.

Norman J. Snay
Macomb Township Clerk

31. Clerk's Comments

a. Resolution Honoring Eagle Scout; Matthew Nowc.

Clerk Snay reviewed the request and stated his recommendation to adopt the resolution.

**Resolution Honoring Eagle Scout
Matthew Nowc**

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, Michigan held in the Township Hall in said Township on Wednesday April 11th 2001 at 7:00 P.M. The following preamble and resolution were offered by member OLIVER and supported by member MEERSCHAERT.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Whereas, Matthew Nowc began his scouting career as a Cub Scout in 1991 with Den 1, Pack 349 where he earned the Arrow of Light Award, Cub Scouting's highest honor: and,

Whereas, Matthew Nowc continued his scouting career by becoming a member of Boy Scout Troop 156 where he further distinguished himself by earning the ranks of Tenderfoot Scout, Second Class Scout, First Class Scout, Star Scout and Life Scout: and,

Whereas, Matthew Nowc has held many leadership positions in Troop 156 and presently the Senior Patrol Leader the highest rank a scout can hold in his troop: and,

Whereas, Matthew Nowc by his own actions and high moral standards has made himself a role model to other scouts and peers.

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, Michigan, speaking on behalf of all Macomb Township Citizens as follows:

That By These Presents, the Macomb Township Board of Trustees recognizes the dedication, commitment and personal sacrifices Matthew Nowc has made to obtain the rank of Eagle Scout.

Be It Further Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Matthew Nowc on his elevation to Eagle Scout and further extends its best wishes to Matthew in his future endeavors.

Now Therefore, the Macomb Township Board of Trustees hereby proclaims:

Saturday May 12th 2001

Matthew Nowc Day

In

Macomb Township

For This Resolution:

Supervisor John Brennan, Clerk Norman Snay, Treasurer Marie Malburg, and Trustees: Charles Oliver, Dino F. Bucci Jr., Kenneth G. Meerschaert Jr., Janet Dunn.

MOTION carried.

Norman J. Snay
Macomb Township Clerk

32. Treasurer's Comments

None

33. Trustee's Comments

- a. Review of Elected Officials Seniority.

Trustee MEERSCHAERT reviewed the request and recommended that the Elected Officials Seniority be reviewed by the Township Attorney.

MOTION by MEERSCHAERT seconded by OLIVER authorize the Township Attorney review the Elected Officials Seniority Policy.

MOTION carried.

Trustee OLIVER inquired about options available to improve the 24 Mile Road Cemetery.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, APRIL 11, 2001
AT 7:00 P.M.

Board discussion was held regarding options for the 24 Mile Cemetery.

EXECUTIVE SESSION:

34. MAFF (Michigan Association of Fire Fighters) Grievance No. 01-001.

Withdrawn as requested by the petitioner.

Public discussion was held regarding the Grand/Sakwa Airport.

MOTION by OLIVER seconded by MEERSCHAERT to adjourn into Executive Session at 8:50 p.m.

MOTION carried.

Returned from Executive Session at 9:28 P.M.

35. Grand/Sakwa Macomb Airport v Macomb Township

Informational Only

ADJOURNMENT

MOTION by MEERSCHAERT seconded by SNAY to adjourn the meeting at 9:30 P.M.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Norm J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM